

REMARKS

This application has been carefully considered in connection with the Examiner's Final Office Action dated November 23, 2009 and the Advisory Action dated February 16, 2010. Reconsideration and allowance are respectfully requested in view of the following.

Summary of Rejections

Claims 1, 4, 8, 9, 11-15, 20-33, and 35-38 were pending at the time of the Final Office Action.

Claims 1, 4, 8, 9, and 11-15 were rejected under 35 USC § 112.

Claims 1, 4, 8, 9, and 11-15 were rejected under 35 USC § 101.

Claims 1, 4, 11, and 12 were rejected under 35 USC § 102.

Claims 8, 9, 13-15, 20-33, 35-38 were rejected under 35 USC § 103.

Status of the Claims

Claims 1, 4, 11, 12, 20, and 36-38 are currently amended.

Claims 8, 9, 13-15, 21-33, and 35 are previously presented.

Claims 2, 3, 5-7, 10, 16-19, and 34 were previously cancelled.

Remarks and Arguments are provided below.

Summary of Claims Pending

Claims 1, 4, 8, 9, 11-15, 20-33, and 35-38 are currently pending following this response.

Applicant Initiated Interview

Applicants thank Examiner Adrian J. McPhillip for his time and consideration of the proposed claim amendments and arguments presented in the interview on March 5, 2010. Based on his brief review of Helmus, Examiner McPhillip indicated in the interview that the proposed claim amendments of a first computer system and a second computer system having a different architecture than the first computer system would probably overcome Helmus. Also, in regard to the § 101 rejections, Examiner McPhillip indicated in the interview that he liked the proposed amendments of explicitly calling out a first computer system and a second computer system. However, Examiner McPhillip also suggested amending claim 1 to have each computer system comprising a processor. In the interest of advancing prosecution, claim 1 has been amended as suggested by Examiner McPhillip.

Response to Rejections

Helmus does not expressly or inherently disclose a first computer system and a second computer system having a different architecture than the first computer system and each computer system comprising an application that writes application data to a log file and a log agent that writes resource data to a resource log file. Because the first computer system and second computer system have different architectures, a plurality of log adapters are needed so that each log adapter can communicate with a corresponding log file and extract at least a portion of data stored in the corresponding log file. Having a plurality of log adapters that extracts information from a corresponding log file enables information needed for performing order tracking and reporting to be

collected and processed from systems and applications that have differing architectures.

The pending application discloses that many customer-oriented enterprises rely on largely automated procedures for receiving, entering, and completing a customer order. Tracking and reporting data ensures that orders are not accumulating at any one step without any forward progress through the workflow. Identifying bottlenecks in the business process that block forward progress of other orders is important to recognizing workflow areas that need increased headcount or computing capacity. Collecting real-time data as well as historical data may be complicated by the existence of data on multiple systems with differing architectures. For example, the applications may be developed using different programming languages and at different times and the computer systems may be from different manufacturers and may employ different operating systems. Historically, there has been no systematic, efficient way to access the level of order information desired across a multitude of legacy systems.

Thus, the pending application provides a business activity monitoring system and method which provides near real-time access to business performance indicators for a diverse audience. The disclosed business activity monitoring system includes a plurality of log adapters that each corresponds with different log files generated by the systems and applications that process the orders. Each of the log adapters parses the corresponding log file entries of the applications and systems to extract needed information, and stores this needed information for processing by the business activity monitoring system. Thus, the disclosed business activity monitoring system is able to

collect and process needed information for performing order tracking and reporting, even when the systems and applications that process the order have differing architectures.

Regarding the applied art, the Final Office Action relied on the disclosure of Helmus, Waclawsky, and Gal-On. Helmus is directed to a prescription management system. While Helmus may disclose that the programs may be executed on “computing systems,” Helmus does not disclose that the computing systems comprise different architectures. Accordingly, Helmus does not expressly or inherently disclose a first computer system and a second computer system having a different architecture than the first computer system and each computer system comprising an application that writes application data to a log file and a log agent that writes resource data to a resource log file. Waclawsky and Gal-On do not cure the deficiencies of Helmus.

These distinctions, as well as others, will be discussed in greater detail in the analysis of the pending claims that follows.

Response to Rejections under Section 112

Claims 1, 4, 8, 9, and 11-15 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Specifically, the Final Office Action noted that limitations added recite, “‘stored in a memory and executable by a first computer,’ however this language does not clearly convey that either the memory or the computer system is a part of the claim scope...It is not clear whether Applicant intends the memory or computer system to be a part of the claim scope” (Page 5). Applicants have amended claim 1 to recite “a first computer

system comprising: at least one processor...a second computer system...comprising: at least one processor.” Applicants respectfully submit that no new matter has been added and support for the amendments may be found at least in paragraph 0076. Thus, Applicants respectfully submit that amended claim 1 clearly conveys that the computer system is a part of the claim scope. Accordingly, Applicants respectfully submit that claim 1 is not indefinite for failing to particularly point and distinctly claim the subject matter which Applicants regard as the invention and respectfully request the rejection under 35 USC § 112 be withdrawn.

Claims 4, 8, 9, and 11-15 depend directly or indirectly from claim 1 and incorporate all of the limitations thereof. Accordingly, Applicants respectfully request the rejection to claims 4, 8, 9, and 11-15 under 35 USC § 112 be withdrawn.

Response to Rejections under Section 101

Claims 1, 4, 8, 9, and 11-15 were rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter.

Specifically, the Final Office Action states, “Claims 1, 4, 8, 9 and 11-15 are directed toward functional descriptive material, specifically: a system comprising applications stored in a memory and executable by computer systems, components, adapters and agents. The claims do not positively recite elements that necessarily constitute a system or apparatus...Given the broadest reasonable interpretation the claims could still be directed to software. *Software per se* is not patentable under § 101.” (Page 6) Applicants have amended claim 1 to recite “a first computer system comprising: at least one processor...a second computer system...comprising: at least

one processor” as suggested by the Examiner. Thus, Applicants respectfully submit that amended claim 1 recites elements that necessarily constitute a system, and as such, the claims are not directed to software per se. Accordingly, Applicants respectfully submit that claim 1 is directed to statutory subject matter and respectfully request the rejection under 35 USC § 101 be withdrawn.

Claims 4, 8, 9, and 11-15 depend directly or indirectly from claim 1 and incorporate all of the limitations thereof. Accordingly, Applicants respectfully request the rejection to claims 4, 8, 9, and 11-15 under 35 USC § 101 be withdrawn.

Response to Rejections under Section 102

Claim 1:

Claim 1 was rejected under 35 USC § 102(b) as being anticipated by Helmus et al., U.S. Pub. No. 2003/0225595 A1 (“Helmus”).

I. Helmus does not expressly or inherently disclose a first computer system and a second computer system having a different architecture than the first computer system and each computer system comprising an application that writes application data to a log file and a log agent that writes resource data to a resource log file.

Amended claim 1 recites, “a first computer system comprising:...a first application to...write first application data to a first application log file...; and a first log agent...to process...write the first resource data to a first resource log file; a second computer system having a different architecture than the first computer system, the second computer system comprising:...a second application stored...to...write second application data to a second application log file...; and a second log agent...to...write

the second resource data to a second resource log file.” Applicants respectfully submit that no new matter has been added and support for the amendments may be found at least in paragraphs 0005 and 0037.

Applicants note that claim 1 also requires a plurality of log adapters to communicate with a corresponding log file and extract at least a portion of data stored in the corresponding log file. For example, there may be a first log adapter that communicates with and extracts data from the first application log file from the first computer system and a second log adapter that communicates with and extracts data from the second application log file from the second computer system. Having a plurality of log adapters that extracts information from a corresponding log file enables information needed for performing order tracking and reporting to be collected and processed from systems and applications that have differing architectures.

The Final Office Action and the Advisory Action relied on paragraphs 0057-0061, 0093-0094, 0124, and 0136 and Fig. 18 of Helmus to disclose the limitations recited above. Applicants respectfully submit that none of paragraphs 0057-0061, 0093-0094, 0124, and 0136 and Fig. 18 disclose a first computer system and a second computer system having a different architecture than the first computer system and each computer system comprising an application that writes application data to a log file and a log agent that writes resource data to a resource log file. Applicants note paragraph 0021 of Helmus which discloses that that the “detailed descriptions which follow may be presented in terms of program procedures executed on computing or processing systems.” While Helmus may disclose that the programs may be executed on “computing systems,” Helmus does not disclose that the computing systems comprise

different architectures.

Applicants note that a word search for “different” and “architecture” produced only a few results and none of the results described computing systems. For example, the word “different” appears in a paragraph 0019 describing “different types of incoming order documents” and “different parameters...used to distinguish the different types of order documents,” paragraph 0074 describing that queues can be “in geographically distinct locations from each other,” and paragraph 0138 describing that the flow charts can be modified “differently.” The word “architecture” appears only once in Helmus in paragraph 0025 which states that “FIG. 1 is a block diagram illustrating the architecture of an embodiment of the order processing system of the present invention.” Accordingly, Applicants respectfully submit that Helmus does not expressly or inherently disclose a first computer system and a second computer system having a different architecture than the first computer system and each computer system comprising an application that writes application data to a log file and a log agent that writes resource data to a resource log file.

Furthermore, Applicants note that because Helmus does not disclose a first and a second computer system having different architectures and each computer system comprising an application that writes application data to a log file and a log agent that writes resource data to a resource log file, Helmus cannot disclose a plurality of log adapters, as claimed. For example, claim 1 requires that each of the plurality of log adapters communicates with and extracts data from a corresponding log file. In other words, claim 1 requires a log adapter communicating with and extracting information from a log file from the first computer system and a log adapter communicating with and

extracting information from a log file from the second computer system that comprises a different architecture than the first computer system. Because Helmus does not disclose a first and a second computer system having different architectures, Helmus cannot disclose a log adapter communicating with and extracting information from a first computer system and a log adapter communicating with and extracting information from a second computer system having a different architecture than the first computer system. Accordingly, Helmus does not expressly or inherently disclose a plurality of log adapters, as claimed. As disclosed above, the plurality of log adapters enable information from a corresponding log file needed for performing order tracking and reporting to be collected and processed from systems and applications that have differing architectures

II. Helmus does not expressly or inherently disclose a first and second application that processes a portion of an order.

Amended claim 1 recites “a first application...to process a first portion of an order...; a second application...to process a second portion of the order.” Applicants respectfully submit that no new matter has been added and support for the amendments may be found at least in paragraph 0007.

The Advisory Action relied on FIG. 18 of Helmus to disclose the limitations recited above. Specifically, the Advisory Action stated, “The CC module monitors a plurality of work queues wherein each work queue corresponds to a particular application, or set of protocols, that is processing an aspect of the ordering process.” Thus, the Advisory Action equates the claimed first and second applications to the

queues of Helmus.

Applicants respectfully disagree that the queues of Helmus are processing orders. Rather, the queues of Helmus are merely holding orders between processing. For example, Applicants note paragraphs 0089-0099 of Helmus which discloses, “An order is obtained from a work queue at 700. A determination is made at 705 whether the patient information is correct...Upon completion of all the prescriptions in an order and/or all the order elements being found correct, the order is submitted to a dispensing pharmacy queue at 760.” Thus, Helmus does not disclose that the queues are actually processing the orders. Rather, Helmus discloses that the orders are removed from a queue, processed, and then placed back into another queue. Therefore, the queues of Helmus are not equivalent to the claimed first and second applications as suggested by the Final Office Action and the Advisory Action. Accordingly, Applicants respectfully submit that Helmus does not expressly or inherently disclose an application that processes a portion of an order.

For at least the reasons established above in sections I and II, Applicants respectfully submit that independent claim 1 is not anticipated by Helmus and respectfully request allowance of this claim.

Claims Depending from Claim 1:

Claims 4, 11, and 12 were rejected under 35 USC § 102(b) as being anticipated by Helmus).

Dependent claims 4, 11, and 12 depend directly or indirectly from independent claim 1 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I and II above, Applicants respectfully submit that

claims 4, 11, and 12 are not anticipated Helmus and respectfully request allowance of these claims.

Response to Rejections under Section 103

Claims Depending from Claim 1:

Claims 8, 9, 13, and 14 were rejected under 35 USC § 103(a) as being unpatentable over Helmus in view of Waclawsky et al., U.S. Patent 6,850,530 B1 ("Waclawsky").

Claim 15 was rejected under 35 USC § 103(a) as being unpatentable over Helmus in view of Waclawsky and further in view of Examiner's Official Notice.

Claim 35 was rejected under 35 USC § 103(a) as being unpatentable over Helmus in view of Examiner's Official Notice.

Dependent claims 8, 9, 13-15, and 35 depend directly or indirectly from independent claim 1 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I and II above, Applicants respectfully submit that claims 8, 9, 13-15, and 35 are not taught or suggested by Helmus in view of Waclawsky and respectfully request allowance of these claims.

Claim 20:

Claim 20 was rejected under 35 USC § 103(a) as being anticipated by Helmus in view of Waclawsky.

Claim 20 includes limitations substantially similar to the limitations discussed in sections I and II above. For example, claim 20 recites,

[P]rocessing, by a first application stored in a first memory and executed by a first computer system, at least a portion of an order; writing, by the

first application, first application data related to the first application processing the order a first application log file; writing, by a first log agent stored in a memory and executed by the first computer system, to a first resource log file first hardware information related to the first computer system whereon the first application processes the order; processing at least a portion of the order by a second application stored in a memory and executed by a second computer system, wherein the second computer system has a different architecture than the first computer system; writing, by the second application, second application data related to the second application processing the order to a second application log file; writing, by a second log agent stored in the second memory and executed by the second computer system, to a second resource log file second hardware information related to the second computer system whereon the second application processes the order; extracting, by a plurality of corresponding log adapters stored in a memory and executed by a processor, at least a portion of the first application data, at least a portion of the second application data, at least a portion of the first hardware information, and at least a portion of the second hardware information.

Accordingly, the arguments of sections I and II are hereby repeated for claim 20.

For at least the reasons established above in sections I and II, Applicants respectfully submit that independent claim 20 is not taught or suggested by Helmus in view of Waclawsky, and respectfully request allowance of this claim.

Claims Depending from Claim 20:

Claims 21, 23, and 27-33 were rejected under 35 USC § 103(a) as being unpatentable over Helmus in view of Waclawsky.

Claims 22, 24, and 26 were rejected under 35 USC § 103(a) as being unpatentable over Helmus in view of Waclawsky and further in view of Examiner's Official Notice.

Claim 25 was rejected under 35 USC § 103(a) as being unpatentable over Helmus in view of Waclawsky and further in view of Gal-On et al., U.S. Pub. No. 20030171907 A1 ("Gal-On").

Dependent claims 21-33 depend directly or indirectly from independent claim 20 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I and II above, Applicants respectfully submit that claims 21-33 are not taught or suggested by Helmus in view of Waclawsky and respectfully request allowance of these claims. Gal-On does not cure the deficiencies of Helmus in view of Waclawsky.

Claim 36:

Claim 36 was rejected under 35 USC § 103(a) as being unpatentable over Helmus in view of Waclawsky and further in view of Gal-On.

Claim 36 includes limitations substantially similar to the limitations discussed in sections I and II above. For example, claim 36 recites,

[P]rocessing, by a first application stored in a first memory and executed by a first computer system, at least a portion of an order; writing, by the first application, application data related to the first application processing the order to a first application log file; writing, by a first log agent stored in a memory and executed by the first computer system, to a first resource log file first hardware information related to the first computer system whereon the application processes the order; processing, by a second application stored in a first memory and executed by a second computer system, at least a portion of the order, wherein the second computer system has a different architecture than the first computer system; writing, by the second application, application data related to the second application processing the order to a second application log file; writing, by a second log agent stored in a memory and executed by the second computer system, to a second resource log file second hardware information related to the second computer system whereon the application processes the order; extracting, by a plurality of log adapters stored in a memory and executed by a processor, at least a portion of the first application data, at least a portion of the second application data, at least a portion of the first hardware information, and at least a portion of the second hardware information.

Accordingly, the arguments of sections I and II are hereby repeated for claim 36.

For at least the reasons established above in sections I and II, Applicants respectfully submit that independent claim 36 is not taught or suggested by Helmus in view of Waclawsky, and respectfully request allowance of this claim. Gal-On does not cure the deficiencies of Helmus in view of Waclawsky.

Claims Depending from Claim 36:

Claims 37 and 38 were rejected under 35 USC § 103(a) as being unpatentable over Helmus in view of Waclawsky and further in view of Gal-On.

Dependent claims 37 and 38 depend directly or indirectly from independent claim 36 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I and II above, Applicants respectfully submit that claims 37 and 38 are not taught or suggested by Helmus in view of Waclawsky and respectfully request allowance of these claims. Gal-On does not cure the deficiencies of Helmus in view of Waclawsky.

Conclusion

Applicants respectfully submit that the present application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

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